

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 21, A Joint Resolution Proposing "An amendment to the Constitution conferring upon the Legislature of this State the power to grant or authorize the granting of pensions to the deserving blind, as may be provided and regulated by law; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendments, and that it be printed in the Journal.

BLACKERT, Chairman.

#### Committee Amendment No. 1.

Amend S. J. R. No. 21 by striking out all of Section 1 and substituting in lieu thereof the following:

"Section 1. That Section 51 of Article 3 of the Constitution be amended by adding thereto the following proviso:

"Provided, further, that nothing in this Constitution shall be considered as prohibiting the Legislature from granting or authorizing the granting of pensions of not more than \$15.00 per month to indigent blind not confined in some institution supported in whole or in part by State or county taxes and not receiving any form of pension from any other source."

#### Committee Amendment No. 2.

Amend S. J. R. No. 21 by adding after the words "next general election" in Section 2, the following:

"to be held on the third day of November, A. D., 1936."

By Westerfeld. S. J. R. No. 21.

#### A Joint Resolution

Proposing and amendment to the Constitution conferring upon the Legislature of this State the power to grant or authorize the granting of pensions to the deserving blind, as may be provided and regulated by law; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 51 of Article 3 of the Constitution be amended by adding thereto the following proviso:

"Provided, further, that nothing in this Constitution shall be considered as prohibiting the Legislature from granting or authorizing the granting of pensions to the deserving blind, as may be provided and regulated by law".

Sec. 2. The foregoing constitutional amendment shall be submitted to the qualified electors of the State at the next general election, at which election those favoring such proposed amendment shall write or have printed on their ballot:

"For the amendment to the Constitution of the State of Texas authorizing the Legislature to provide that pensions may be granted to the deserving blind";

and all those opposed shall write or have printed on their ballots the words:

"Against the amendment to the Constitution of the State of Texas authorizing the Legislature to provide that pensions may be granted to the deserving blind".

Sec. 3. The Governor is hereby directed to issue the necessary proclamation for such election and secure the publication of such proclamation as required by the Constitution and laws of this State.

Sec. 4. The sum of Two Thousand (\$2,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated to pay the expenses of publication of said proposed amendment.

#### FIFTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas,  
May 7, 1935.

The Senate met at 4:05 o'clock p. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Collie.
Blackert.	Cotten.
Burns.	Davis.

DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Absent—Excused.

Fellbaum. Regan.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

##### House Bill No. 320.

Senator Small sent up the following Conference Committee report on H. B. No. 320.

Committee Room,  
Austin, Texas, May 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.  
Hon. Walter Woodul, President of the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Bill No. 320, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

MARTIN,  
SMALL,  
DUGGAN,  
SULAK,  
COTTEN,

On the part of the Senate.

LEMENS,  
ROGERS,  
LANNING,  
PETSCH,  
COLSON,

On the part of the House.

#### A BILL to be entitled

An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special law or by County Boards of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such district; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and Acts of Said Boards of Trustees; validating all bonds voted, authorized and/or sold and/or now outstanding of said Districts; validating all tax levies made in behalf of said Districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, And heretofore authorizing or attempted to be authorized by any Act, or Acts of said districts, or by any Act of the Legislature; making certain exemptions, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special law in this State, and heretofore laid out and established or attempted to be established by the proper officers of any county or by the Legislature of the State of Texas,

and heretofore recognized by either State or county authorities as school districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. All acts of the Board or Boards of Trustees in such districts ordering an election or elections, declaring the results of such elections, levying, attempting or purporting to levy taxes for and on behalf of such school district, and all bonds issued and now outstanding, and all bonds heretofore voted but not yet issued, are hereby in all things validated. The fact that by inadvertence or oversight any act of the officers of any county in the creation of any district was omitted shall in no wise invalidate such district, and the fact that by inadvertence or oversight any act was omitted by the Board of Trustees of any such district in ordering an election or elections, or in declaring the results thereof, or in levying the taxes for such district, or in the issuance of the bonds of any such district, shall in no wise invalidate any of such proceedings or any bonds so issued by such districts.

All acts of the County Boards of Trustees of any and all counties in rearranging, changing or subdividing such school districts or increasing or decreasing the area thereof, in any school district of any kind, or in creating new districts out of parts of existing districts or otherwise, are hereby in all things validated.

Provided, however, that no action or resolution purporting to transfer any territory from one district to another district, without an affirmative vote of the voters of the districts affected shall be validated by the passage of this Act.

Sec. 2. All school districts mentioned in this act are hereby authorized and empowered to levy, assess, and collect the same rate of tax as is now being levied, assessed and collected therein and heretofore authorized or attempted to be authorized by any act, or acts of said districts, or by any act, whether general or special, of the Legislature.

Sec. 3. This law shall not apply to any district, the organization or creation of which is now involved in litigation. Provided further that this Act shall not apply to any district which may have been established or

consolidated and which has later returned to its original status and has been so recognized by the proper authorities, provided, however, if and when any such litigation shall be finally terminated, in a manner favorable to such district, then this Act shall apply thereto.

Sec. 4. If any word, phrase, clause, sentence, paragraph, section, or part of this bill shall be held by any court of competent jurisdiction to be invalid, as unconstitutional, or for other reasons, it shall not affect any other word, phrase, clause, sentence, paragraph, section or part of this Act.

Sec. 5. The fact that the legal existence of various school districts may be questioned creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Small the Conference Committee Report was adopted by the following vote:

#### Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

#### Absent—Excused.

Fellbaum.	Regan.
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#### House Bill No. 581.

Senator Small sent up the following conference committee report:

#### Committee Room,

Austin, Texas, May 3, 1935.

Hon. Walter F. Woodul, President of the Senate,

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Committee appointed to adjust the differences between the Senate and House of Rep-

representatives on H. B. No. 581, have had the same under consideration and recommend to the Senate and House of Representatives that H. B. 581 in its original or in the form passed by the Senate or the House do not pass, but recommend that in lieu thereof the Senate and House do pass H. B. No. 581, in the attached form.

Respectfully submitted,  
PACE,  
REDDITT,  
SMALL,  
STONE,

On the part of the Senate.

DUVALL,  
WELLS,  
ROBERTS,  
STEWARD,  
WALKER,

On the part of the House.

C. S. H. B. 581.

#### A BILL

#### To Be Entitled

An Act defining the terms or phrases "Commission," "order of the Commission," "oil," "crude oil," "gas," "product," "unlawful oil," "unlawful product," "unlawful gas," "tender," "manifest," "person," "shipping paper," "delivery ticket;" empowering Commission agents, any highway patrolman or peace officer on probable cause to stop and inspect motor vehicles transporting oil or products and without warrants to arrest any driver violating provisions of this Act; making it an offense for any person to knowingly transport, receive or deliver by truck or motor vehicle, or by pipe line, railroad, boat or barge any unlawful product or unlawful oil; making it an offense for any person to knowingly receive, deliver or transport by truck or motor vehicle, or by pipe line, railroad, boat or barge oil or any product without authority of a tender when one is required under any order of the Railroad Commission; making it an offense for the operator of motor vehicle transporting oil or products to fail to obtain and carry a manifest covering the shipment; prescribing the duties of the shipper and transporter of oil and products with reference to tenders, manifest, and shipping papers; fixing penalties for all such offenses and for violating any pro-

vision of this Act; making it an offense for any person transporting oil or products by truck or motor vehicle to wilfully and knowingly fail to stop such vehicle when commanded to do so by Commission agent or any patrolman or peace officer and making it an offense for such person to fail to permit inspection by such agent or officer of the contents of or shipping papers accompanying such vehicles; providing penalties therefor; providing no criminal action shall be maintained involving Railroad Commission rule, regulation or order or amendment or modification thereof until after such rule, regulation or order or amendment or modification thereof has been promulgated by publishing a complete copy of same in three (3) newspapers for three (3) consecutive days, and that on and after seventh (7th) day after date last publication such order or amendment shall be enforceable in a criminal action; providing certificate under seal of Railroad Commission setting forth terms of rule, regulation or order and certifying adoption, promulgation and publication shall be prima facie evidence of such facts and admissible in evidence in any criminal action; empowering Railroad Commission agents and all State Rangers with authority to serve criminal or judicial process; providing where same may be served and how such officers shall make their returns; providing such officers shall receive no extra compensation; providing in complaint, information or indictment alleging violation any order of the Commission it shall be sufficient to allege the substance of such order or terms thereof alleged to have been violated; fixing the venue of all prosecutions under this Act; declaring all unlawful oil and unlawful products to be a nuisance and providing for a forfeiture thereof to the State and providing for the method of enforcing such forfeiture and for the sale, costs and fees for such actions of forfeiture and for the impounding pending such action of all such unlawful oil and unlawful products; providing provisions of this Act shall be cumulative of Civil Code, Penal Code and Code of Criminal

Procedure and remedies herein shall be cumulative of other remedies in such statutes; providing that the proceedings in rem for forfeiture shall be in addition to and cumulative of criminal penalties; exempting from the provisions of this Act products of petroleum in the hands of the purchaser at retail for the operation of the motor vehicle in which contained; declaring legislative intent to enact each separate provision of this Act independently and that if any clause of this Act is declared unconstitutional same shall not affect any other part of this Act; providing that any person whose application for a tender is rejected or whose application is not acted on within twenty (20) days from date of filing of such application, may appeal from decision of Commission's agent by filing a petition in the District Court of Travis County, Texas; providing that Commission's agent authorized to consider applications for tenders shall endorse on rejected applications reasons for rejecting same; providing that District Court hearing petition relative to rejection or failure to grant tender may sustain, modify or rescind any ruling of Commission's agent and may issue such restraining orders or injunctions as facts may warrant; providing that upon filing of such petition in the District Court the clerk thereof shall issue a written notice to the Commission stating the nature of the cause of action set forth in such petition and that no hearing on such petition may be had until after five (5) days from the date of issuance of such notice; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Definition of Terms.

(a) The word "Commission" shall mean the Railroad Commission of Texas. The phrase "order of the Commission" shall include any rule, regulation or order adopted by the Railroad Commission of Texas pursuant to the oil and gas conservation statutes of this State, including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto.

(b) The word "oil" or phrase "crude oil" herein used shall include

crude petroleum oil in its natural state as produced and crude petroleum oil from which only the basic sediment and water have been removed. The word "gas" herein used shall include natural gas, bradenhead gas, casinghead gas, and gas produced from an oil or gas well.

(c) The word "product" shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of petroleum and/or any and all liquid products or by-products derived from crude petroleum oil or gas, whether hereinabove enumerated or not.

(d) "Unlawful oil," as that term is used herein shall include oil which has been produced within the State of Texas from any well or wells in excess of the amount allowed by any order of the Commission, and oil which has been produced within said State in violation of any law of said State or in violation of any order of the Commission, and shall include any oil transported in violation of any such law or in violation of any such order.

(e) "Unlawful product," shall be construed to include any product any part of which was processed or derived in whole or in part from unlawful oil or from any product of unlawful oil, or from unlawful gas, or which is transported in violation of any order of the Commission or in violation of any law of Texas.

(f) "Unlawful gas" shall be construed to include gas produced or transported in violation of any order of the Commission or so produced or transported in violation of any law of Texas.

(g) The word "tender" shall mean a permit or certificate of clearance for the transportation of oil or products approved and issued or registered under the authority of the Commission.

The form of any tender and the application therefor shall be prescribed by order of the Commission and shall show the name and address of the shipper or person tendering oil or products for transportation,

name and address of the transporting agency (where such order requires the transporter to be designated), quantity and true classification of each commodity authorized to be transported, place or places where delivery will be made to the transporting agency, and such other related data as may be prescribed by order of the Commission. A tender shall bear a date and serial number, shall show its expiration date, and shall be executed by the agent or agents authorized by the Commission to deny, approve or register tenders. No tender shall be approved or registered by such agent authorizing the shipment or transportation of any unlawful oil or unlawful product.

(h) The word "manifest" shall be construed to include any document issued by a shipper covering oil or products to be transported by truck or other motor vehicle.

The form of a manifest may be prescribed by order of the Commission, and shall bear a certificate signed by the shipper stating the amount of oil or products and each of them to be transported. A manifest shall show, when required by order of the Commission, the date and serial number of the tender, if a tender is required, authorizing such transportation, or any seal or number or other evidence of such tender, the amount and classification of each such product to be transported, the name and address of the transporting agency, name and address of shipper, name and address of consignee, if known, the name and address of the driver or operator of such truck or vehicle; the number on the license plate on such truck or vehicle; the day, hour and place where such truck or vehicle was loaded and the destination, if known, of such load, and such other related data as may be required by order of the Commission. If the form of manifest is not prescribed by order of the Commission, each shipper required to issue a manifest to a transporter shall utilize the form of manifest commonly used in commercial transactions or the form of manifest required by any State agency or Department of this State to accompany the movement of gasoline.

(i) The word "person" shall include natural person, corporation, association, partnership, receiver,

trustee, guardian, executor, administrator, or representative of any kind.

(j) The phrase "shipping papers" shall be construed to include bills of lading covering oil or products transported by railway, manifests covering oil or products transported by truck or motor vehicle, and any written document covering oil or products transported by pipe line, boat or barge. The phrase "delivery ticket" shall be construed to include any expense bill or written document covering oil or products delivered.

Sec. 2. (a) Whenever, by order of the Commission, a tender is required before oil or products may be transported, and whenever pursuant to such order, an agent of the Commission approves and issues or registers a tender authorizing the transportation of oil or products by trucks or motor vehicles, it shall be the duty of the person obtaining such tender to sign and issue a manifest to the operator of each such truck or motor vehicle, which manifest shall show the date and serial number of the tender authorizing such transportation; a separate manifest shall be issued for each load carried by such truck or motor vehicle. The person obtaining such tender shall not transport or deliver or cause or permit to be transported or delivered any more nor any different commodity than is authorized by such tender. Each transporter authorized to transport oil or products on a manifest issued by a shipper shall not receive for transportation any different commodity than is described in such manifest and shall not receive oil or products in excess of the amount authorized by such manifest. The person authorized to transport oil or products by a manifest issued by a shipper, which manifest bears on its face the date and serial number of such tender, may rely upon the manifest delivered to him, and each consignee or person to whom oil or a product covered by such manifest is delivered by such transporter may rely upon such manifest as authority for receiving the commodity delivered, provided such manifest appears to be valid on its face, is signed by the shipper, and bears the certificate of the shipper that the transportation of such oil or products is authorized by the tender the date and serial number of which is shown on such manifest.

(b) Whenever, pursuant to any order of the Commission, the transportation of oil or products by truck or motor vehicle is prohibited without a manifest showing the date and serial number of a tender authorizing such transportation, it shall be unlawful for any person to transport by truck or motor vehicle any oil or products without having or carrying in such truck or vehicle at all times between the point of origin and point of destination of such shipment a manifest bearing the date and serial number of the tender authorizing such transportation; and it shall be unlawful for any person to ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without furnishing the operator of such truck or motor vehicle a manifest bearing the date and serial number of such tender, authorizing such shipment or transportation; provided, if the person to whom such tender is issued is the operator of such truck or motor vehicle and such tender identifies the truck or motor vehicle by license number and covers one load, such tender in lieu of a manifest may be carried in said truck or vehicle. Products shipped or transported in violation of this section shall be deemed to be unlawful products. Oil shipped or transported in violation of this section shall be deemed to be unlawful oil.

(c) It shall be the duty of every person who transports any oil or products by truck or motor vehicle, under conditions that require a tender or manifest as herein provided, to secure from each person to whom any part of such oil or products is delivered a receipt upon the reverse side of said tender or manifest, which receipt shall contain the number of gallons of oil and of each product delivered, the date of delivery and the signature and address of the purchaser or consignee of said oil or products. It shall be the duty of every person who transports any oil or products by truck or motor vehicle and makes deliveries thereof to keep in this State for a period of two years every such tender or manifest issued to him, together with the receipts and endorsements thereon. Such tenders or manifests shall at all times be subject to the inspection of the Commission, its agents and inspectors.

Sec. 3. In order to enforce the provisions of this Act every agent of the Commission, Highway Patrolman, sheriff, constable and all peace officers of this State are empowered to stop any motor vehicle which may appear to be transporting oil or products, for the purpose of taking samples of the cargo and inspecting the shipping papers of such motor vehicle, provided such agent or officer shall have probable cause and reasonable grounds to believe that such vehicle is transporting any unlawful oil or unlawful products. If upon examination of such motor vehicle it is found that the same is transporting any unlawful oil or unlawful products, or is transporting any oil or product without authority of a tender required by order of the Commission, such authorized agent or officer shall, with or without warrant, arrest the driver thereof and carry him before the nearest Justice of the Peace and file a complaint under this Act against such driver. In any criminal action involving the provisions of this Act, no fee shall be allowed any such agent, patrolman, sheriff, constable or other officer for executing any warrant of arrest or capias or for making any arrest with or without a warrant.

Sec. 4. (a) Every person who transports by truck or motor vehicle, oil or products, who shall wilfully and knowingly fail to stop such truck or vehicle, when commanded to do so by any agent of the Commission or by any authorized officer or who shall wilfully fail to permit inspection by such agent or officer of the contents of or the shipping papers accompanying such truck or vehicle, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

(b) Every person who shall knowingly violate any provision of Section two of this Act, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle over any public highway, in this State any unlawful oil or unlawful product, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without authority of a tender whenever a tender is required by any order of the Commission, or who shall knowingly receive from any truck or motor vehicle or knowingly

deliver to any truck or motor vehicle any oil or product not covered by a tender authorizing the transportation thereof whenever a tender is required by any order of the Commission, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

(c) Whenever by order of the Commission a tender is required before oil or products may be transported or received for transportation by pipe line, railroad, boat or barge, and whenever pursuant to such order an authorized agent of the Commission approves or registers and issues to an initial transporter by pipe line, railroad, boat or barge a tender covering oil or products, such initial transporter may deliver to any connecting carrier or consignee the amount of oil or products covered by such tender, but shall not transport or deliver any more nor any different commodity than is authorized by such tender. Whenever such order provides that connecting carriers or consignees may rely upon the shipping papers executed by such initial transporter as authority to transport or receive the oil or products covered by such shipping papers provided such shipping papers show the date and serial number of the tender issued to the initial transporter, each such connecting carrier receiving oil or products from another transporter by pipe line, railroad, boat or barge, and each consignee receiving oil or products by pipe line, railroad, boat or barge under authority of shipping papers bearing the date and serial number of a tender issued to an initial transporter shall be deemed to be receiving such oil or products by authority of a tender under the provisions of this Act.

(d) Every person who shall knowingly ship or transport or cause or permit to be shipped or transported by pipe line, railroad, boat or barge any unlawful product or unlawful oil, or who shall knowingly receive or deliver for transportation by pipe line, rail, boat or barge any unlawful product or unlawful oil, or who shall knowingly ship or transport or cause or permit to be shipped or transported by pipe line, rail, boat or barge oil or any product without authority of a tender whenever a tender is required by any order of

the Commission, or who shall knowingly receive or deliver by pipe line, rail, boat or barge oil or any product without authority of a tender whenever a tender is required by any order of the Commission, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

Sec. 5. Whenever the Commission shall have adopted, after notice and hearing as provided under other statutes of the State, any rule, regulation or order pursuant to any statute of this State, no criminal action shall be maintained against any person involving the violation of any provision of such rule, regulation or order, until the Commission shall have promulgated such rule, regulation or order by publishing a complete copy of same in three (3) newspapers of general circulation in the State of Texas (such newspapers to be selected by said Commission) once each day for three (3) consecutive days, and on and after the seventh (7th) days after the date of the last publication such rule, regulation or order shall be effective and enforceable in any criminal action, brought pursuant to this Act. No criminal action shall be maintained against any person involving the violation of any provision of any amendment or modification of any order of the Commission until the Commission shall have promulgated such amendment or modification after its adoption by publishing a complete copy of such amended or modified rule, regulation or order in three (3) newspapers of general circulation once each day for three (3) consecutive days, and, on and after the seventh (7th) calendar day of the last publication, such amendment or modification of such rule, regulation or order shall become effective and enforceable in any criminal action brought pursuant to this Act. However, the absence of promulgation by publication as herein provided shall not affect the enforcement of any order of the Commission in any civil or quasi civil action brought pursuant to this Act or to any statute of this State.

Sec. 6. A certificate under the seal of the Commission executed by any Member or the Secretary thereof, setting forth the terms of any order of the Commission and that it has



been adopted, promulgated and published and was in effect at any date or during any period specified in such certificate shall be prima facie evidence of all such facts, and such certificate shall be admitted in evidence in any action, civil or criminal, involving such order and the publication thereof without further proof of such promulgation, adoption or publication and without further proof of its contents.

Sec. 7. In all prosecutions, criminal actions, cases, proceedings or suits involving the enforcement of the provisions of this Act or of any order of the Commission all State Rangers and all agents of the Commission shall have the power and authority to serve any criminal or judicial process, warrant, subpoena or writ just the same and as fully as any sheriff, constable or peace officer is authorized under existing laws when so directed by the court issuing such process. Such rangers and such agents of the Commission may serve such process, warrant and subpoena anywhere within the State of Texas although it may be directed to any sheriff or constable of a particular county. They shall make the same return as any other officer, sign their name and add thereunder the title of (in the case of a State Ranger), "State Ranger," and (in the case of an agent of the Commission) the words "Agent, Railroad Commission of Texas," which shall be sufficient to make it valid if the writ is otherwise properly made out. No fees of any kind for such services shall be allowed such State Rangers or agents of the Railroad Commission other than their regular salary or compensation.

Sec. 8. (a) In any complaint, information or indictment alleging a violation of an order of the Commission, it shall not be necessary to set forth fully the terms of such order, and it shall be sufficient therein to allege the substance of the order, or the pertinent term or terms thereof alleged to have been violated.

(b) In any criminal action filed pursuant to this Act, a certificate executed by any Member of the Commission or by the Secretary thereof showing the amount of allowable oil which may be produced per day or during a stated period from any oil well or wells, proof of any produc-

tion from which is involved in such criminal action, shall be admissible in evidence and shall be prima facie evidence of the facts therein stated.

(c) The venue of a criminal action maintained pursuant to this Act is hereby fixed in the county where the oil or products involved in such criminal action is received or delivered, or in any county in or through which such oil or product is transported.

(d) Nothing herein shall restrict or limit the power of the Commission to adopt rules, regulations or orders pursuant to the oil and gas conservation statutes of this State including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto.

Sec. 9. Whenever an application for a tender is rejected by an authorized agent of the Commission, it shall be the duty of such agent to return one copy of such application to the applicant endorsing thereon all the reasons for such rejection. Such applicant whose tender may be rejected shall have the right to appeal from any action of such agent by filing a petition in the District Court of Travis County, Texas, against the Commission, for a review of the ruling of such agent. The Court hearing such petition shall have the power to sustain, modify or overrule any action of such agent relative to a tender application and to issue such restraining orders or injunctions as the facts may warrant. It shall be the duty of the Clerk of the Court wherein such petition is filed to issue to the Commission a notice setting forth briefly the cause of action stated in such petition. But the Court shall not enter any order on any such petition until after a hearing thereon be heard not less than five (5) days from the issuance of such notice. Any person whose application for tender is not acted on within twenty (20) days from the date of its filing shall have the right of appeal in the same manner above provided for appealing from a rejection of a tender application. Any person dissatisfied with the decision of the District Court may appeal to the Court of Civil Appeals.

Sec. 10. (a) All unlawful oil and unlawful products, regardless of the date of production or manufac-

ture thereof, are hereby declared to be a nuisance and shall be forfeited to the State as hereinafter provided. It shall be the duty of the Commission, its servants, agents, and employees, highway patrolmen, sheriffs, constables, and peace officers, upon the discovery of any unlawful oil or unlawful products, to file immediately with the Attorney General of Texas, a report giving a description of such unlawful oil and/or unlawful products, including the ownership, party in possession, the amount, the location and classification thereof.

(b) When the Attorney General is advised from any source of the presence and existence of unlawful oil and/or unlawful products it shall be his duty to institute a suit in rem against such unlawful oil and/or unlawful product and against all persons owning, claiming or in possession thereof, such suit to be brought in the name of the State of Texas in any court of competent jurisdiction in Travis County or in the County in which such oil or product is located. If it shall appear to the Court from an examination of the petition or after hearing evidence thereon at a preliminary hearing that unlawful oil and/or unlawful products mentioned in the petition are in danger of being removed, wasted, lost, or destroyed, the court is authorized and required, in term time or in vacation, to issue restraining orders or injunctive relief, either mandatory or prohibitive, or to appoint a receiver to take charge of the oil or product in question, or to direct the sheriff of the county in which the unlawful oil or unlawful products are located to seize and impound the same until further orders of the court.

(c) Notice of pendency of such suit shall be served in the manner prescribed by law; either party to said suit may demand a trial by jury on any issue of fact raised by the pleadings and the case shall proceed to trial as other civil cases. If, upon the trial of such suit the oil or product in controversy is found to be unlawful oil or unlawful products, then the court trying said cause shall render judgment forfeiting the same to the State of Texas and authorizing the issuance of an order of sale directed to the sheriff or any constable of the county where the oil or

products are located commanding such officer to seize and sell said property in the same manner as personal property is sold under execution. The court may order the oil or products sold in whole or in part as may be deemed proper and the sale shall be conducted at the court house door of the county where the oil and/or products are located and shall conform in all respects to the sale of personal property as aforesaid. The money realized from the sale of any such unlawful oil and/or products, shall be applied, first, to the payment of the costs of suit and expenses incident to the sale of such oil and/or products after such expenses have been approved and allowed by the court trying the case, and all funds then remaining, shall be remitted forthwith to the State Treasurer and shall be by the Treasurer placed to the credit of the General Revenue Fund of the State of Texas.

(d) The officers of said Court shall receive the same fees provided by law for other civil actions. Provided further that the sheriff executing said sale shall issue a bill of sale or certificate to the purchaser of said oil and/or products and the Commission shall, upon the presentation of said certificate of clearance, issue a tender, if a tender is required permitting the purchaser of said oil and/or products to move the same into commerce.

Sec. 11. The provisions of this Act shall be cumulative of all other provisions of the Civil Statutes, the Penal Code and the Code of Criminal Procedure, and the remedies herein provided shall be cumulative of all other remedies provided in the Civil Statutes, the Penal Code and the Code of Criminal Procedure.

Sec. 12. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any section, word, clause, sentence or part of this Act shall be declared unconstitutional shall in no event affect any other section, word, clause, sentence or part thereof.

Sec. 13. The provisions of this Act shall not apply to the retail purchase of the products of petroleum where such products so purchased at retail are contained in the ordinary equipment of a motor ve-

hicle and are used only for the operation of such motor vehicle in which contained.

Sec. 14. The fact that the laws of this State are now inadequate to provide for an accurate check of the amount of oil and gas being produced within this State and the fact that a great many land owners of this State are being defrauded of their proper royalty interest in oil and gas being produced and that existing laws do not adequately provide sufficient remedies and penalties for enforcing the rules, regulations and orders of the Railroad Commission of Texas, and the fact that by reason of the inadequacies of existing laws the State of Texas is being defrauded of a vast amount of revenue being derived under the gross production tax laws of the State of Texas create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and said rule is hereby suspended, and this Act shall take effect and be enforced from and after its passage, and it is hereby so enacted.

Read and pending.

#### H. C. R. No. 130.

The Chair laid before the Senate:  
By Mr. Gray:

H. C. R. No. 130, Suspending Joint Rules of the House and Senate Nos. 23, 24 and 32 for the purpose of consideration until finally disposed of, H. B. No. 745.

GRAY.

The Senate rule requiring resolutions to be referred to a committee was suspended and H. C. R. No. 130 was taken up and considered at this time by unanimous consent.

H. C. R. No. 130 was adopted unanimously.

#### H. C. R. No. 126.

The Chair laid before the Senate:

H. C. R. No. 126, Suspending Joint Rules Nos. 22, 23, and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 777.

The Senate rule requiring resolutions to be referred to a committee was suspended and H. C. R. No. 126 was taken up and considered at this time by unanimous consent.

H. C. R. No. 126 was adopted unanimously.

#### S. C. R. No. 54.

Senator Hill sent up the following resolution:

S. C. R. No. 54, Suspending Joint Rules Nos. 23, 24 and 32 of the House and Senate for the purpose of consideration until finally disposed of S. B. No. 333 and H. B. No. 468.

Senator Hill moved that the Senate rule requiring resolutions to be referred to a committee be suspended and that S. C. R. No. 54 be taken up and considered at this time.

The motion prevailed by unanimous consent.

S. C. R. No. 54 was adopted by viva voce vote.

#### H. J. R. No. 46.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. McCalla:

H. J. R. No. 46, Proposing an amendment to Article IV of the Constitution of the State of Texas so as to authorize courts having original criminal jurisdiction to suspend the imposition or execution of sentence and to place the defendant on probation, under such regulations as the Legislature may prescribe; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation thereof; and prescribing the form of ballot.

The committee report recommending that the resolution be printed was adopted by unanimous consent.

The resolution was read second time and passed to third reading by the following vote:

#### Yeas—25.

Beck.	Neal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.
Moore.	

#### Nays—2.

Oneal.	Westerfeld.
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**Present—Not Voting.**

Isbell.

**Absent.**

Hopkins.

**Absent—Excused.**

Fellbaum.

Regan.

On motion of Senator Moore the rule requiring joint resolutions to be read on three several days was suspended and H. J. R. No. 46 was put on its third reading and final passage by unanimous consent.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Moore.
Blackert.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

**Nays—2.**

Oneal. Westerfeld.

**Absent—Excused.**

Fellbaum.

Regan.

**S. J. R. No. 16.**

The Chair laid before the Senate on its second reading the following resolution:

By Senator Hornsby:

S. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas by adding to Article 15 another section, Section 61, providing for four year term for all elective state, district, county and precinct officers, except where otherwise provided in the Constitution the term of office is fixed at more than four years, providing for the submission of same to the qualified voters of the State; providing for the necessary proclamation and making appropriation to defray the expenses of the proclamation, publication and election.

Amend S. J. R. No. 16, by striking from Section 61, the following words: "Except the office of State Senator, which shall be for a term of six years."

HORNSBY.

Read.

The amendment was adopted by the following vote:

**Yeas—29.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

**Absent—Excused.**

Fellbaum.

Regan.

On motion of Senator Hornsby S. J. R. No. 16 was laid on the table subject to call.

**H. J. R. No. 23.**

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Alsup:

H. J. R. No. 23, Proposing an amendment to the Constitution authorizing the Legislature to provide for workmen's compensation insurance for employees of the State Highway Department and other State employes, and authorizing the Legislature to provide for the payment of premiums on such policies of insurance.

The committee report recommending that the resolution be printed was adopted by unanimous consent.

The resolution was read second time and passed to third reading by the following vote:

**Yeas—28.**

Beck.	Davis.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.

Hornsby.	Redditt.
Isbell.	Sanderford.
Martin.	Shivers.
Moore.	Small.
Neal.	Stone.
Oneal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.

**Absent.**

DeBerry.

**Absent—Excused.**

Fellbaum.          Regan.

On motion of Senator Hill the rule requiring joint resolutions to be read on three several days suspended and H. J. R. No. 23 was put on its third reading and final passage by viva voce vote.

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent.**

DeBerry.

**Absent—Excused.**

Fellbaum.          Regan.

**S. J. R. No. 29.**

The Chair laid before the Senate on its second reading the following resolution:

By Senators Poage, Hill and Westerfeld:

S. J. R. No. 29, A joint resolution "Proposing an amendment to Section 1, Article VIII of the Constitution of Texas; and providing that the State may never impose an ad valorem tax on any property within this State or a sales tax on necessary articles of human food, excluding liquor, bever-

ages, tobacco and tobacco products; providing that such amendment shall become effective October 1, 1936; providing the form and date of its submission, and making an appropriation of \$5,000.00, or so much thereof as may be necessary to pay the expenses of submitting such amendment to the people."

(With committee substitute.)

Senator Poage moved to suspend the Senate rule requiring resolutions to be printed and lie on the desks 24 hours.

The motion prevailed by the following vote:

**Yeas—21.**

Beck.	Pace.
Burns.	Poage.
Collie.	Redditt.
Cotten.	Shivers.
Davis.	Small.
DeBerry.	Stone.
Duggan.	Sulak.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

**Nays—4.**

Holbrook.	Moore.
Hopkins.	Sanderford.

**Present—Not Voting.**

Oneal.	Rawlings.
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**Absent.**

Blackert.	Martin.
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**Absent—Excused.**

Fellbaum.          Regan.

Senator Poage yielded to Senator Hopkins.

Senator Hopkins moved to suspend the regular order of business and take up H. B. No. 65.

Senator Hopkins withdrew his motion.

**Motion to Lay on the Table Subject To Call.**

Senator Van Zandt moved to lay S. J. R. No. 29 on the table subject to call.

The motion prevailed by the following vote:

**Yeas—14.**

Burns.	Davis.
Cotten.	Holbrook.

Hopkins.	Sanderford.
Martin.	Shivers.
Moore.	Small.
Pace.	Stone.
Rawlings.	Van Zandt.

Nays—13.

Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Sulak.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Isbell.	

Absent.

Beck. Redditt.

Absent—Excused.

Fellbaum. Regan.

**H. C. R. No. 123.**

The Chair laid before the Senate the following resolution:

By Mr. Keefe:

H. C. R. No. 123, Suspending Joint Rules Nos. 22, 23 and 32 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 837.

Senator Cotten asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 123 be taken up and considered at this time.

Unanimous consent was granted.

H. C. R. No. 123 was adopted by viva voce vote.

**House Bill No. 65.**

Senator Van Zandt moved to suspend the regular order and take up H. B. No. 65.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Martin.	Van Zandt.
Moore.	Woodruff.
Neal.	

Nays—7.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Westerfeld.
Hornsby.	

Absent.

Isbell.

Absent—Excused.

Fellbaum. Regan.

**House Bill No. 65.**

The Chair laid before the Senate on its third reading the following bill:

By Mr. Tennyson:

H. B. No. 65, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of Texas of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas, and to limit the earnings of persons, companies, or corporations coming within the provisions of said article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, etc., and declaring an emergency."

Senator Oneal sent up the following amendment:

Amend substitute for Woodruff amendment to H. B. No. 65, page 1, lines 44 to 48 inclusive, by striking out all of the lines 44 to 48 inclusive on the said page and substituting in lieu thereof the following:

"(a) The term 'corporation' when used in this Act, includes a private corporation, an association, a joint stock company, a business trust, or any other form of private business unit."

And page 1, lines 59 to 61 inclusive, by striking out all of said lines 59 to 61 inclusive, on page 1 and substituting in lieu thereof the following:

"(1) Producing, generating, transmitting, delivering or furnishing electricity either direct or indirectly through or by means of their facilities or otherwise, to the public for compensation."

And page 1, by adding after line 64 on the said page, the following:

"(3) Delivering or furnishing gas either direct or indirectly through or by means of their own facilities or otherwise to or for the public for compensation."

And page 4, by striking out all of the lines 21 to 26 inclusive on the said page and substituting in lieu thereof the following:

"Section 1. Subject to the limitations imposed in this Act, and for the purpose of regulating the rates and services rendered or to be rendered so that such rates and services may be just, reasonable, adequate and sufficient, the Commission shall have original jurisdiction over all Public Utilities, except those operated by municipalities, as set forth in Article I of this Act."

And page 7, lines 45 to 47 inclusive, by striking out said lines 45 to 47 inclusive of the bill and substituting in lieu thereof the following:

"accounts, and in valuing such property, the Commission shall find and fix a value which as nearly as may be possible represents the actual legitimate prudent cost of the property used and necessary in rendering the public utility service or services."

And page 8, lines 29 to 44 inclusive, by striking out all of the said lines 29 to 44 inclusive on page 8 of the said bill.

And page 8, lines 46 to 64 inclusive, by striking out all of the said lines 46 to 64 of the said bill and substituting in lieu thereof the following:

"Section 1. No Public Utility shall hereafter begin the construction or operation of any public utility plant or system, or any extension thereof in or into any municipality or territory, in which it has not theretofore rendered such utility service until it shall have secured from the Commission a certificate that public convenience and necessity require or will require such construction or operation, as well as the consent in writing of the governing body of such municipality, authorized by a majority vote of the legal voters of such municipality, provided, this section shall not be construed to require any public utility to secure a certificate for an extension within any municipality or district within which it is at the time of making such extension, legally operating as a public utility."

And pages 9, 10 and 11 by striking out all of Sections 4, 5, 6, 7, 8, 9 and 10 of the bill.

And page 12, by adding after the word "Commission" on line 50, the following:

"Any public utility failing or refusing to comply with any such order or subpoena of the Commission shall be subject to a penalty payable to the State of Texas of not less than Fifty (\$50.00) Dollars nor more than Five (\$500.00) Hundred Dollars for each offense, and each violation shall constitute a separate offense, and each day that such failure or refusal continues shall constitute a separate offense."

And page 2, line 3, by striking out of said line the following:

"for rate making purposes only."  
ONEAL,  
DeBERRY.

Read and pending.

Point of Order.

Senator Van Zandt raised the point of order that the amendment was out of order as it was in fact a series of amendments and should be offered one at a time in order.

The Chair, Lieutenant Governor Walter F. Woodul presiding, overruled the point of order, stating that he was doing so in the interest of time.

Motion to Recess.

Senator Beck, at 6:10 o'clock, p. m., moved that the Senate recess until 10:00 o'clock a. m. Wednesday.  
Motion pending.

S. C. R. No. 55.

Senator Collie received unanimous consent to suspend the regular order and sent up the following resolution:

Whereas, There appears a typographical error and a discrepancy in Senate Bill No. 52, and it is necessary to correct same; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be instructed to correct the same in the following particulars, by adding immediately after the word and figures "Article 590," line 3, the following:

"Section 1."

And by striking out the words "Section 2" and "Section 3," and by

striking out the quotation marks after the word "advisable" at the end of the first paragraph and by adding the quotation marks after the word "day" at the end of the third paragraph, and by changing the word and figure "Section 4" to read "Section 2."

COLLIE.

Senator Collie asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 55 be taken up and considered at this time.

Unanimous consent was granted.

S. C. R. No. 55 was adopted by viva voce vote.

#### S. C. R. No. 56.

Senator Foage received unanimous consent to suspend the regular order and sent up the following resolution:

Whereas, The attention of this Legislature has been called to a number of grievous and allegedly illegal practices now and heretofore engaged in by public officials in various sections of this State; and,

Whereas, The financial condition of the State is dependent upon the honest enforcement of its revenue laws; and,

Whereas, There have been reported many wide-spread evasions of tax laws and many violations of other laws of the State, and many of such violations and evasions are alleged to have been committed with the knowledge and connivance of various officers in this State; and,

Whereas, The Legislature will shortly adjourn and there should be some restraining agency existing during the interim between adjournment of this Legislature and the convening of the next; and,

Whereas, Past experience has proven that a saving of millions of dollars may be made to the tax payers by the existence at all times of such restraining authority; now, therefore, be it

Resolved by the Senate:

Section 1. That the President of the Senate be and he is hereby authorized to appoint three members of the Senate, and the Speaker of the House is hereby authorized to appoint a like number of the members of the House of Representatives as a committee to sit at such times and places between this date and the date of the convening of the Regular

Session of the Forty-fifth Legislature as may to said committee seem necessary and proper, and which committee shall continue the inquiries heretofore begun relative to the application of the fee system in Texas, and relative to the operation of the apportionment of the available school fund, and to inquire into tax delinquencies and collections and any and all other matters pertaining to or affecting the revenue of the State government and the expenditures of said taxes, fees and assessments, and to inquire into other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities affect the financial or other welfare of the citizens of Texas.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning. Sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its sergeant-at-arms.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with departments and institutions and any and all officers and/or employees of the departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses;



and the committee shall further have all powers necessary in order to accomplish the purpose for which it is appointed.

Sec. 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Sec. 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon request of the chairman or members of said committee.

Sec. 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-fifth Legislature. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the Forty-fourth Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said regular session of the Forty-fourth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

Poage, Hill, Neal, Collie.

Read and referred to Committee on State Affairs.

Senate Bill No. 532.

Senator Small received unanimous

consent to suspend the regular order and take up S. B. No. 532.

By Senator Small:

S. B. No. 532, A bill to be entitled "An Act creating the Palo Duro Canyon State Park Board; providing for the number of members of said board terms of office, the manner of appointment and the duties and responsibilities of the members; etc., and declaring an emergency."

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 532 was put on its second reading by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Regan.
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The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 532 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.
Hill.	Pace.

Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.
Small.	

Absent—Excused.

Fellbaum.                  Regan.

Read third time and finally passed  
by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.                  Regan.

Senate Bill No. 319.

Senator Shivers received unanimous consent to suspend the regular order and take up S. B. No. 319.

The Chair laid before the Senate on its second reading the following bill:

By Senator Shivers:

S. B. No. 319, A bill to be entitled "An Act granting to Dr. N. T. Anders and wife, Mrs. Hattie Anders, of Beaumont, Jefferson County, Texas, the permission to bring suit against the State of Texas and the State Highway Department and to join the State of Texas and the State Highway Department as co-defendants with Jefferson County, Texas, in the District Court of Jefferson County, Texas, in trespass to try title to a portion of the T. Spear League in Jefferson County, Texas, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 319 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.                  Regan.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.                  Regan.

Senator DeBerry sent up the following conference committee report:

S. J. R. No. 6.

Committee Room,

Austin, Texas, May 2, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Hon. Walter F. Woodul, President of  
the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on S. J. R. No. 6 beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

DeBERRY,  
POAGE,  
PACE,  
VAN ZANDT,

On the part of the Senate.

WOOD of Harrison,  
BOURNE,  
RUTTA,  
BRADBURY,  
ENGLAND,

On the part of the House.

S. J. R. No. 6.

#### A JOINT RESOLUTION

Proposing an amendment to the Constitution of the State of Texas, amending Article 16 by adding another section to be known as "Section 61," providing for the abolishing of the fee method of compensating all district officers of this State and county officers in counties of this State having a population of 20,000 or more, and providing that all such district and county officers be paid on a salary basis; and providing that the Legislature shall enact laws putting this amendment into effect; providing for the submission of this amendment to the voters of this State; and providing that all precinct officers in all counties and county officers in counties under 20,000 population may be compensated on a fee basis or on a salary basis and authorizing the Commissioners' Court to determine whether certain county and precinct officers shall be paid on a fee basis or a salary basis; and providing for the necessary appropriation to defray necessary expenses for the submission of this Amendment.

Be it resolved by the Legislature of the State of Texas:

Section 1. That the Constitution of the State of Texas, Article 16 be amended by adding thereto another section to be known as "Section 61," which shall read as follows:

"Sec. 61. All district officers in the State of Texas and all county officers in counties having a population of 20,000 or more, according to the then last preceding Federal Census, shall from the first day of January and thereafter, and subsequent to the first Regular or Special Session of the Legislature after the adoption of this Resolution, be compensated on a salary basis. In all counties in this State, the Commissioners' Court shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis; and in counties having a population of less than 20,000, according to the then last preceding Federal Census, the Commissioners' Court shall also have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis.

"All fees earned by district, county and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the Commissioners' Court may direct. All Notaries Public, county surveyors and public weighers shall continue to be compensated on a fee basis."

Sec. 2. The Legislature of the State of Texas is hereby directed, at the first Regular or Special Session after the adoption of this Resolution, to enact such legislation as will be necessary to adequately compensate, on a salary basis, the officers herein referred to in all counties having a population of 20,000 or more according to the then last preceding Federal Census.

Sec. 3. The foregoing Constitutional Amendment shall be submitted to the qualified voters of the State of Texas at a special election to be held on the 24th day of August, 1935, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"For Amendment to the Constitution of the State of Texas abol-

ishing the fee system of compensating all district officers, and all county officers in counties having a population of 20,000 or more; and authorizing the Commissioners' Court to determine whether county officers and precinct officers in counties containing less than 20,000 population may be compensated on a fee basis or on a salary basis,"

and those opposed shall write or have printed on their ballots the words:

"Against Amendment to the Constitution of the State of Texas abolishing the fee system of compensating all district officers, and all county officers in counties having a population of 20,000 or more; and authorizing the Commissioners' Court to determine whether county officers and precinct officers in counties containing less than 20,000 population may be compensated on a fee basis or on a salary basis,"

Sec. 4. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and existing laws of the State.

Sec. 5. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of said publication and election.

#### S. J. R. No. 6.

Senator DeBerry moved to adopt the conference committee report on S. J. R. No. 6.

The motion prevailed by the following vote:

#### Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

#### Nays—1.

Burns.

Absent—Excused.

Fellbaum.

Regan.

#### House Bill No. 996.

Senator Burns received unanimous consent to suspend the regular order and take up H. B. No. 996.

The Chair laid before the Senate:

By Mr. McKinney and Mr. Celaya:

H. B. No. 996, A bill to be entitled "An Act making an emergency appropriation for the Texas State Prison System for the purpose of returning to relatives, bodies of convicts whose families are in indigent circumstances, and declaring an emergency."

(With committee amendment.)

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 996 was put on its third reading and final passage by the following vote:

#### Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.

Regan.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 996 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.                  Regan.

Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.                  Regan.

## Senate Bill No. 479.

Senator Hopkins received unanimous consent to suspend the regular order and take up S. B. No. 479.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hopkins:

S. B. No. 479, A bill to be entitled "An Act to create a conservation and reclamation district to be known as

New Braunfels-Gulf Water Supply District, consisting of that part of the State included within the Counties of Comal, Guadalupe, Wilson, Kernes, Bee, San Patricio and Nueces, for fresh water supply purposes, including the power and authority to furnish a water supply to towns, cities, private corporations and individuals; declaring such district to be a governmental agency and body politic and corporate under Section 59, of Article 16, Constitution; providing for its management and control by a board of seven directors; and declaring an emergency."

(With committee amendments.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 479 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.                  Regan.

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Isbell.
Davis.	Martin.
Duggan.	Moore.

Neal.	Shivers.
Oneal.	Small.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Sanderford.	Woodruff.

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.

Regan.

#### H. C. R. No. 117.

The Chair laid before the Senate:

H. C. R. No. 117, Suspending Joint Rule No. 23 for the purpose of taking up until the final disposition thereof H. B. No. 454.

Senator Woodruff asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 117 be taken up and considered at this time.

Unanimous consent was granted.

H. C. R. No. 117 was adopted.

#### S. C. R. No. 47.

Senator Davis received unanimous consent to suspend the regular order and take up S. C. R. No. 47.

The Chair laid before the Senate on its second reading the following resolution:

S. C. R. No. 47, A concurrent resolution Granting permission to Em. Wilson and wife, Alma Maude Wilson, to bring suit against the State.

Read and adopted.

#### House Bill No. 164.

Senator Neal received unanimous consent to suspend the regular order and take up H. B. No. 164.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Pope:

H. B. No. 164, A bill to be entitled "An Act to amend subdivision 3 of Article 3883 of Section 1 of Chapter 220 of Acts of the Forty-third Legislature of the State of Texas, Regular Session, 1933, page 734, by raising the salaries of justices of the peace and constables in certain counties, and providing for excess fee remuneration and repealing all laws or

parts of laws in conflict herewith, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 164 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.

Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.

Regan.

#### House Bill No. 773.

Senator Beck received unanimous consent to suspend the regular order and take up H. B. No. 773.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Morse:

H. B. No. 773, A bill to be entitled "An Act authorizing the governing body of any incorporated city or town having a population of 290,000 or more, according to the preceding Federal Census, to formulate and devise a pension plan, said pension plan, before becoming effective, to be approved by the qualified electors of such city or town; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 773 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.                  Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Hornsby.
Blackert.	Isbell.
Burns.	Martin.
Collie.	Moore.
Cotten.	Neal.
Davis.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.
Hill.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Sanderford.

Shivers.  
Small.  
Stone.  
Sulak.

Van Zandt.  
Westerfeld.  
Woodruff.

Absent—Excused.

Fellbaum.                  Regan.

House Bill No. 104.

Senator Holbrook received unanimous consent to suspend the regular order and take up H. B. No. 104.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Thornton:

H. B. No. 104, A bill to be entitled "An Act authorizing the board of trustees of the public free schools of the State of Texas to make appropriations of funds and/or other property and the income therefrom, heretofore donated or which may hereafter be donated to them, when specific purpose for such donation has not been designated by the donor, for the purpose of creating and establishing a retirement fund for the superintendents, principals, supervisors, teachers and other regular salaried employees of said schools in their respective districts, and making it mandatory and compulsory for said board of trustees to appropriate said fund and/or other property and the income therefrom for such purpose when petitioned by the donor or his or her legal representatives when said funds and/or other property and the income therefrom heretofore donated has not been appropriated for other purposes, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 104 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	DeBerry.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
Davis.	Hornsby.

Isbell.	Sanderford.
Martin.	Shivers.
Moore.	Small.
Neal.	Stone.
Oneal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.
Redditt.	

Absent—Excused.

Fellbaum.                  Regan.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.                  Regan.

S. C. R. No. 57.

Senator Poage received unanimous consent to suspend the regular order and sent up the following resolution:

Whereas, It is alleged that on or about the 7th day of May, A. D. 1929, Herbert McLennan, while in the employment of the State Highway Department of Texas, sustained and suffered serious and permanent bodily injury while in line of duty, working as a common laborer in a gravel pit for said State Highway Department near the City of Waco in McLennan County, Texas; said injury is alleged to have been received and sustained by said McLennan as a result of being caught in a cave in of gravel while he was on duty as an employee of said State Highway Department; and

Whereas, It is alleged that as a result of said accident the said Herbert McLennan suffered and sustained injuries to the bones of his left leg, to wit, fractures in three dis-

tinct places and also fractures to his left ankle, which injuries have left him permanently crippled and has greatly reduced his capacity to make a livelihood for himself and family. He is alleged to be permanently barred from doing hard manual labor by reason of such accident. His ability to earn money as a laborer has been materially reduced; and

Whereas, It is alleged that the said Herbert McLennan has never been compensated by the State of Texas for the damage resulting from said injury; now, therefore,

Be it resolved by the Senate of Texas, the House of Representatives concurring, that the said Herbert McLennan, his heirs, executors and administrators, be and they are hereby granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in Travis County, Texas, in order to ascertain, fix and award the amount of money, if any, the said Herbert McLennan, his heirs, executors and administrators are entitled to receive from the State of Texas and the Highway Department of the State of Texas as compensation on account of such injury and resulting damages and that in case such suit be filed, service of citation or other necessary process shall be had upon the Chairman of the State Highway Commission of the State of Texas and that the same have the same force and effect as made and provided in civil cases and that either one of the parties to said suit shall have the right to appeal.

POAGE.

Senator Poage asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended and that S. C. R. No. 57 be taken up and considered at this time.

Unanimous consent was granted.

S. C. R. No. 57 was adopted by viva voce vote.

Senate Resolution No. 95.

Senator Woodruff received unanimous consent to suspend the regular order and sent up S. R. No. 95, Memorializing Billy Murray Thompson.

S. R. No. 95 was unanimously adopted.



**House Bill No. 680.**

Senator Poage sent up the following conference committee report:

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 680, beg leave to submit the following report:

We have had H. B. No. 680 under consideration, and recommend the adoption of the attached bill as rewritten by your conference committee:

By Hardin.

H. B. No. 680.

**A BILL****To Be Entitled**

An Act regulating the use of State owned motor vehicles by employees of State Departments, Bureaus, Commissions, Institutions and Agencies in political campaigns; providing said cars may not be used except for carrying out business of the State; providing any one violating the provisions of this Act shall be dismissed from the State's employ; providing no employee of the State shall campaign or solicit votes in any manner whatever for the head of his Department or any other candidate seeking public office; providing no car may be used for the personal or family use of an employee; fixing penalties, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No employee of any State Department, Bureau, Commission, Institution, or Agency of the State Government shall use in any manner any State owned motor vehicle for any purpose, except in carrying out business of the State, nor for any political purpose nor in any political campaign whatsoever. Any person violating any provision of this Act shall be immediately retired from the State's employment.

Sec. 2. No employee in any Department or branch of the State Government or State relief organization shall campaign or solicit votes in any manner whatever for the head of his or her Department or any other can-

didate seeking public office. If any person whose salary is paid in whole or in part out of State funds, except elective officers, shall devote the working hours of his time for which he is paid by the State, or uses any State owned automobile and/or automobile the operation expenses of which are paid by the State for political campaign purposes, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$200.00, or be confined in jail for more than thirty (30) days or by both such fine and imprisonment, and shall be discharged at once. And in event any citizen of this State shall file a civil complaint with any District Court in Travis County, Texas, charging any such employee with any such use of his time or State owned automobile, such court shall set such complaint for hearing on some date not more than twenty (20) or less than ten (10) days after the date of the filing of such complaint, and shall cause notice to be served on such employee for at least five (5) days prior to the date of such hearing, and if, upon such hearing, such court shall determine that such employee has used his time and/or a state owned automobile as charged in the complaint said Court shall certify such fact to the department employing such person and order his immediate discharge. Any person against whom such charges shall have been filed shall have the right of appeal to the Court of Civil Appeals, but the pendency of such appeal shall in no wise suspend his discharge.

Sec. 3. No person who may be employed by the State of Texas shall ever use any State owned automobile for his own personal use, or for the use of his family and it shall be the duty of the head of each department of State Government which is furnished any automobile by the State of Texas to require all such automobiles to be painted with the words "The State of Texas," together with the name of the department to which such automobile is assigned, on each side of said car, in the most contrasting color, letters of at least three inches in height.

Sec. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars

(\$25) nor more than five hundred dollars (\$500), or be confined in the county jail for not more than six (6) months, or be punished by both such fine and imprisonment in jail.

Sec. 5. The fact that State owned automobiles are reputed to have been used in political campaigns throughout the State and the crowded condition of the calendar, create an emergency and imperative public necessity that the constitutional rule requiring that bills be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

PACE,  
HOLBROOK,  
HILL,  
WESTERFELD,  
POAGE,

On part of the Senate.

HARDIN,  
McFARLAND,  
HUDDLESTON,  
HUNT,  
DAVISSON of  
Eastland,

On part of the House.

On motion of Senator Poage, the conference committee report was adopted by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—1.

Cotten.

Absent—Excused.

Fellbaum. Regan.

House Bill No. 968.

Senator Hopkins received unanimous consent to suspend the regular order and take up H. B. No. 968.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Spears:

H. B. No. 968, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each county court at law, of Bexar County, Texas, civil and criminal, by the judge of each county court at law, of Bexar County, Texas; providing the qualifications; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 968 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

**Absent—Excused.**

Fellbaum. Regan.

**House Bill No. 522.**

Senator Hornsby received unanimous consent to suspend the regular order and take up H. B. No. 522.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Padgett:

H. B. No. 522, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Regular Session of the Forty-third Legislature; extending the provisions of said Act so as to include associations or organizations, or local mutual aid associations, or State-wide mutual associations; and, extending the provisions of said Act so as to include insurance consultants, requiring such to obtain a license; and, providing for annual fee and annual report for all agents licensed under the provisions of this Act; and, providing for penalties, and declaring an emergency."

(With committee amendments.)

The committee amendments were adopted by viva voce vote.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 522 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Nays—1.**

Burns.

**Absent—Excused.**

Fellbaum. Regan.

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Pace.
Blackert.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Oneal.	

**Nays—3.**Burns. Holbrook.  
Cotten.**Absent.**

Moore.

**Absent—Excused.**

Fellbaum. Regan.

**House Bill No. 959.**

Senator Westerfeld received unanimous consent to suspend the regular order and take up H. B. No. 959.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stinson:

H. B. No. 959, A bill to be entitled "An Act giving civil jurisdiction to the Criminal District Court of Dallas County and Criminal District Court No. 2 of Dallas County, of suits and causes in matters of divorce, dependent and delinquent children, adoption and habeas corpus, etc."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Westerfeld, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 959 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Regan.
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Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Regan.
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## H. C. R. No. 118.

The Chair laid before the Senate H. C. R. No. 118:

By Mr. Rogers:

H. C. R. No. 118, Suspending Joint Rule No. 23 for the purpose of taking up for consideration until the final disposition thereof H. B. No. 559.

H. B. No. 998 was added by unanimous consent.

H. B. No. 1001 was added by unanimous consent.

Senator Small moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 118 be taken up and considered at this time.

Motion prevailed.

H. C. R. No. 118 was adopted by viva voce vote.

## House Bill No. 963.

Senator Cotten received unanimous consent to suspend the regular order and take up H. B. No. 963.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Steward:

H. B. No. 963, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than twenty-two thousand four hundred and fifty (22,450), and not more than twenty-two thousand, eight hundred fifty (22,850), according to the last preceding Federal Census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action; etc., and declaring an emergency."

(With committee amendments.)

Amend H. B. No. 963 by adding after the words and figures "22,850" the following: "and all cities having a population of not less than 11,400 and not more than 11,500."

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Cotten, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 963 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Hopkins.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Hill.	Poage.
Holbrook.	Rawlings.

Redditt. Sulak.  
Sanderford. Van Zandt.  
Shivers. Westerfeld.  
Small. Woodruff.  
Stone.

**Absent—Excused.**

Fellbaum. Regan.

Read third time and finally passed  
by the following vote:

**Yeas—29.**

Beck. Neal.  
Blackert. O'Neal.  
Burns. Pace.  
Collie. Poage.  
Cotten. Rawlings.  
Davis. Redditt.  
DeBerry. Sanderford.  
Duggan. Shivers.  
Hill. Small.  
Holbrook. Stone.  
Hopkins. Sulak.  
Hornsby. Van Zandt.  
Isbell. Westerfeld.  
Martin. Woodruff.  
Moore.

**Absent—Excused.**

Fellbaum. Regan.

**House Bill No. 595.**

Senator Pace received unanimous  
consent to suspend the regular order  
and take up H. B. No. 595.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Mr. Fisher:

H. B. No. 595, A bill to be entitled  
"An Act amending Sections 2 and 3  
of S. B. No. 209, Chapter 220, Acts  
of the Regular Session of the Forty-  
third Legislature (said Section 2  
amending Article 3891 of the Re-  
vised Civil Statutes of 1925, as  
amended, and said Section 3 amend-  
ing Article 3902, Revised Civil Stat-  
utes of 1925, as amended), and de-  
claring an emergency."

Read the second time.

Senator Pace sent up an amend-  
ment.

Objection was heard.

Senator Pace withdrew the amend-  
ment temporarily.

Bill pending.

**Message From the House.**

The Chair recognized the Door-

keeper, who introduced a messenger  
from the House with the following  
message:

Hall of the House of Representatives,  
Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has adopted the Conference Commit-  
tee report on H. B. No. 408 by a  
vote of 78 yeas and 42 nays.

The House has adopted the Con-  
ference Committee report on H. B.  
No. 417, by a viva voce vote.

The House has refused to grant  
the request of the Senate for the ap-  
pointment of a Conference Commit-  
tee on S. B. No. 149.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Recess.**

The motion to recess prevailed at  
6:40 p. m.

**APPENDIX.****Committee on Enrolled Bills.**

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 501  
carefully examined and compared  
and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 477  
carefully examined and compared  
and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 146  
carefully examined and compared  
and find same correctly enrolled.

POAGE, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, May 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

S. B. No. 511, A bill to be entitled  
"An Act to amend Article 5509 of  
the Statutes of the State of Texas of  
1925, and declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation it do pass and be  
not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Con-  
stitutional Amendments, to whom  
was referred

H. J. R. No. 48, A joint resolution  
"Proposing an amendment to Section  
1, of Article XVII, of the Constitu-  
tion of Texas, providing that consti-  
tutional amendments may be sub-  
mitted by the Legislature at special  
sessions under certain conditions;  
providing for an election on the ques-  
tion of the adoption of such amend-  
ment and providing for the procla-  
mation and the publication thereof;  
describing the form of ballot, and  
making an appropriation therefor."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be printed.

BLACKERT, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, May 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, a majority of your Com-  
mittee on Education, to whom was  
referred

H. B. No. 27, A bill to be entitled  
"An Act providing for the establish-  
ment of State book depositories by

the board of regents or the govern-  
ing bodies of State institutions of  
higher learning for the purpose of  
furnishing text books to students;  
providing the method of purchase  
and the funds to be used, creating  
a text book fund; providing the  
means of expending same; providing  
the manner of operation of such  
stores; and placing them under the  
supervision of the governing bodies  
of the institutions; providing a min-  
imum limit on number of years said  
books shall be used, and declaring an  
emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do not pass.

DUGGAN, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, May 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, a minority of your Com-  
mittee on Education, to whom was  
referred H. B. No. 27,

Have had the same under consid-  
eration, and beg to dissent from the  
opinion of the majority and recom-  
mend that the bill do pass and be  
printed.

DeBerry, Cotten, Poage.

Committee Room,  
Austin, Texas, May 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Fi-  
nance, to whom was referred

S. B. No. 137, A bill to be entitled  
"An Act making appropriations to  
pay miscellaneous claims, and au-  
thorizing payment of said miscellan-  
eous claims on taking effect of this  
Act and declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do not pass  
but that committee substitute do pass  
in lieu of the original bill and be not  
printed.

REDDITT, Chairman.

By Redditt.

C. S. S. B. No. 137.

**A BILL  
To Be Entitled**

An Act making appropriations to pay miscellaneous claims out of the  
General Revenue Fund; authorizing the payment of certain sums out

of the Highway Fund; providing further that payments shall be made only after audit of claims shall have been made by the State Auditor and/or Comptroller and approved by the Attorney General; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay miscellaneous claims against the State of Texas as herein enumerated:

To pay Alcorn Land & Improvement Company of Sugarland, Texas, refund of overpayment of franchise tax .....	\$ 3.90
To pay The Allar Company of Graham, Texas, refund of overpayment of franchise tax .....	16.00
To pay American Federation of Arts of Washington, D. C., Warrant No. 154,672, dated June 25, 1932, on which payment is prohibited by limitation .....	10.00
To pay Kyle Anthis, Wharton, Texas, expenses in returning fugitive from justice .....	307.96
To pay J. H. Beavers, Longview, Texas, for three days service as Special Judge of 124th District Court .....	32.82
To pay Burpee Can Sealer Company, Chicago, Ill., Treasury Warrant No. 153,422, dated June 23, 1932, on which payment prohibited by limitation .....	3.00
To pay S. H. Bryan, Limestone County, refund of double payment of ad valorem tax .....	16.65
To pay Elsie Dewolf Beckwith, Houston, Texas, transcript fees in Cause No. 39,248, Harris County .....	27.00
To pay Miss Eva Brown, Austin, Texas, refund on overpayment on ad valorem tax .....	129.95
To pay Brown Instrument Company, Philadelphia, Pa., Treasury Warrant No. 137,694, dated March 23, 1932, on which payment prohibited by limitation .....	18.96
To pay W. P. Brown, Orange, Texas, expenses returning fugitive from justice .....	327.95
To pay J. S. Bond, Palo Pinto, Texas, expenses returning fugitive from justice .....	276.65
To pay Colorado Operating Company, Sugarland, Texas, refund of overpayment of franchise tax .....	3.00
To pay Coolidge Drug Company, Coolidge, Texas, refund of overpayment of franchise tax .....	33.50
To pay Citizens State Bank, Rusk, Texas, witness fees in felony cases .....	32.72
To pay J. M. Combs, Beaumont, Texas, expenses incurred as Associate Justice for attendance upon Court in San Antonio .....	37.50
To pay J. I. Coursey, Raymondville, Texas, for three days service as special judge of district court of Willacy County .....	41.10
To pay Ed Dittert Company, Bellville, Texas, refund of overpayment of franchise tax .....	16.80
To pay E. J. Davis, Austin, Texas, refund of overpayment of registration fee on truck. To be paid from Highway Fund ...	12.80
To pay John Day Company, Inc., New York, Treasury Warrant No. 159078, dated July 6, 1932, on which payment prohibited by limitation .....	2.40
To pay Duff Electric Co., Dallas, Texas, refund of overpayment of franchise tax .....	10.00
To pay Foster Development Company, Sugarland, Texas, refund of overpayment of franchise tax .....	1.80
To pay Bouldin Crofton, Giddings, Texas, Treasury Warrant No. 205315, dated August 22nd, 1932. Payment prohibited by limitation .....	75.00
To pay Jake Winfield, Chapel Hill, Texas, witness fees in felony cases .....	25.08

To pay Goliad Lumber Company, Goliad, Texas, account against State Parks Board .....	200.00
To pay J. D. George Construction Company, rental on graders in Jefferson County, to be paid from highway funds .....	350.00
To pay Garrison Lumber Company, Corpus Christi, overpayment of franchise tax .....	12.00
To pay Gulf States Utilities Company, Beaumont, refund of overpayment of filing fees .....	2,370.00
To pay Harlem Book Company, New York City, Treasury Warrant No. 175684, dated August 10, 1932, payment prohibited by limitation .....	2.81
To pay Hillyer-Deutsch-Jarrett Company, San Antonio, refund of overpayment of franchise tax .....	148.80
To pay Harnischfeger Sales Company, Milwaukee, Wisconsin, refund of overpayment of franchise tax .....	6.25
To pay Frank Hamer, Austin, Texas, expenses incurred in the apprehension of Clyde Barrow .....	1,075.00
To pay Imperial Sugar Company, Sugarland, Texas, refund of overpayment of franchise tax .....	14.40
To pay P. A. Jackson, Marfa, Texas, refund of double payment of ad valorem tax .....	57.57
To pay John L. King, St. Louis, Mo., services in National Guard .....	6.24
To pay Laredo Auto Sales Co., Laredo, Texas, refund of overpayment of franchise tax .....	60.00
To pay R. S. McCracken, Marfa, Texas, refund of double payment of ad valorem tax .....	48.22
To pay Pope Building Company, Corpus Christi, refund of overpayment of franchise tax .....	15.00
To pay Sterling Price, Matador, Texas, expenses incurred in returning fugitives from justice .....	269.68
To pay Bert Carroll, Waco, Texas, damage to pecan trees by children from State Home for Delinquents .....	90.00
To pay Clifford Braly, Dalhart, Texas, Treasury Warrant No. 27,649, payment prohibited by limitation .....	15.00
To pay Charles W. Ray, Jefferson, Texas, refund of double payment of ad valorem tax .....	4.83
To pay Rio Grande Securities Company, McAllen, Texas, refund of overpayment of franchise tax .....	107.60
To pay E. M. Scarborough & Son, Austin, Texas, account against Prison System .....	625.00
To pay Southwestern Bell Telephone Company, refund of overpayment of filing fees .....	2,500.00
To pay Southwest Publishing Company, Cincinnati, Treasury Warrants Nos. 33728, 169613 and 183176, payment prohibited by limitation .....	62.03
To pay S. Boyd Street, Graham, Texas, refund of overpayment of franchise tax .....	107.10
To pay Western Advance Paper Bag Company, Boston, Mass., for refund of overpayment of franchise tax .....	5.00
To pay Nelson W. Willard, Amarillo, Texas, refund of double payment of ad valorem tax .....	183.72
To pay the following for refund of Motor Bus Seat Tax collected under invalid law, to be paid out of Highway Fund:	
Newt Harkey .....	41.00
D. S. Coward .....	16.00
W. E. Maxey .....	35.00
A. F. Ludlow .....	20.00
Raymundo A. Hernandez .....	65.00
R. B. Elliott .....	35.00
George Conner .....	28.00
Martin Fernandez .....	60.00
O. C. Williams .....	42.00



C. H. Yates	49.00
Otis Caulk	40.00
Charlie Jones	38.00
Henry Hamilton	25.00
O. Fitzgerald	42.00
Francisco Herrera	20.00
N. N. Williams	14.00
Jesus Flores	105.00
E. C. McCollum	25.00
A. Orrutia	40.00
R. G. Adamson	20.00
W. I. Mathews	20.00
Emil Morales	40.00
Isaac Garza	20.00
Federico R. Reyna	20.00
J. W. Spivey	20.00
J. R. Beeson	30.00
R. Siller	20.00
J. L. Page	20.00
J. H. Ward	28.00
Jim Young	40.00
Antero Santoy	20.00
A. McWilliams	6.65
Jesse Thomas	40.00
Milton Garcia	40.00
S. M. Boyd	20.00
Antonio Juarez	90.00
Lee Mantooth	50.00
W. W. Walker	60.00
Carlos Balladares	40.00
Victor M. Medina	40.00
J. A. Nichols	28.00
B. Pottinger	16.00
Vernon Stegall	40.00
Harry Robinson	34.00
W. X. Halbrook	20.00
M. Mondragon	55.00
E. N. Mondragon	20.00
Robert Q. Jennings	20.00
Byron Bagley	5.00
Castilla Bros.	66.00
William J. Lynch	20.00
F. M. Berry	10.00
C. H. Williams	7.00
Mauro Rangel	60.00
N. L. Yanez	120.00
Clyde Batson	20.00
H. N. Caldwell	20.00
O. E. Dabbs	10.00
Chas. Grimes	20.00
Mayor Green	10.00
O. O. Ferguson	20.00
Tom Everett	15.00
C. A. Dudley	25.00
S. F. Dougherty	15.00
G. W. Cobb	21.00
J. S. Corning	20.00
Pedro Cantu	45.00
Ernest Arrant	20.00
Oscar Baldwin	20.00
Lucille Butler	20.00
Stewart Brown	20.00
J. H. DeVare	15.00

Bill Counts .....	15.00
Crispin Farias .....	40.00
E. R. Knight .....	40.00
Edge Motor Co. ....	53.00
Guy Snead .....	21.00
D. S. Chapman .....	10.00
Onofre Villareal .....	100.00
Yellow Cab Co. ....	96.00
Alf Simington .....	20.00
Obe Chastine .....	20.00
Total .....	\$ 12,672.44

Sec. 2. That the Comptroller of Public Accounts is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms, or corporations named hereinabove, in the amounts set opposite their respective names, and shall mail or deliver to each of said persons, firms or corporations at their said respective addresses warrant or warrants in payment of said claim or claims, and said persons, firms, or corporations shall duly receipt the Comptroller for said warrant or warrants for payment of said claim or claims.

Sec. 3. Provided, however, none of the moneys herein appropriated shall be paid until each item and/or items shall have been audited by the State Auditor and Efficiency Expert, and/or State Comptroller and approved by the Attorney General.

Sec. 4. The fact that the claims herein appropriated for are past due and the persons, firms and corporations to whom same are payable are being deprived of the proceeds thereof creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 996, A bill to be entitled "An Act making an emergency appropriation for the Texas State Prison System for the purpose of returning to relatives, bodies of convicts whose families are in indigent circumstances, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

REDDITT, Chairman.

Committee Amendment.

Amend House Bill No. 996 by striking out the words and figures "Twenty-five Hundred (\$2500.00)" and substituting in lieu thereof the words and figures "Seven Hundred Fifty (\$750.00) Dollars."

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Commerce and Manufacture, to whom was referred

H. B. No. 601, A bill to be entitled "An Act making it unlawful for any person, firm, association or corporation to pack for sale, sell or offer for sale wheat flour or other cereal flour and corn meal only in standardized packages; providing for the size and net weight of said packages; providing for the net weight, name of manufacturer and the name of the place where milled to be printed on the outside of each package and making it unlawful for wheat flour, other cereal flour and corn meal to be packed for sale, offered for sale or sold within this State, unless it shall be so labeled; providing for exceptions to this Act as direct sales from bulk stock to the consumer, direct sales to bakeries for use in such bakeries, as the exchange of flour or meal for wheat or corn, and such prepared products of wheat or corn

selling in less than five (5) pound lots; providing for the violation of this Act to be a misdemeanor and fixing the penalty for such violation; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment and be not printed.

HILL, Chairman.

Committee Amendment.

Amend Section 1 after the word "twenty" by substituting in lieu of "twenty-five" the word "twenty-four."

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 530.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 774, A bill to be entitled "An Act to permit Mrs. Otice Langham and her son, Gene Langham, both personally and in the capacity of some party as next friend to the said Gene Langham to sue the State of Texas and the Texas National Guard for injuries to the said Gene Langham, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

**In Memory**  
**of**  
**Billy Murray Thompson**

---

Senate Resolution No. 95.

By Senators Pace and Woodruff:

Whereas, The Senate of Texas is greatly grieved at the untimely death of Billy Murray Thompson, resulting from an automobile accident on the evening of May 6, 1935, and

Whereas, Billy Thompson was a young man, 22 years of age, of sterling character and promising future. He had a host of friends who loved and respected him. He is survived by his wife, Christine Dyke Thompson, his mother, Mrs. L. O. Thompson of Amarillo, Texas, his sister, Mrs. H. G. Hastings of Los Angeles, California, and two brothers, Colonel Ernest O. Thompson of Austin, Texas, and G. Otho Thompson of Amarillo, Texas, and

Whereas, Billy Thompson was the brother of our close friend, Colonel Ernest O. Thompson, Chairman of the Railroad Commission; now, therefore, be it

Resolved by the Senate of Texas, That we extend to his family our deepest sympathy, and that this memorial be printed in the Journal and that copies thereof be mailed to each member of his family.

Senator Woodruff asked unanimous consent for the names of all the members of the Senate to be added to the resolution.

BECK,  
BLACKERT,  
BURNS,  
COLLIE,  
COTTEN,  
DAVIS,  
DeBERRY,  
DUGGAN,  
FELLBAUM,  
HILL,  
HOLBROOK,

HOPKINS,  
HORNSBY,  
ISBELL,  
MARTIN,  
MOORE,  
NEAL,  
ONEAL,  
PACE,  
POAGE,  
RAWLINGS,  
REDDITT,

REGAN,  
SANDERFORD,  
SHIVERS,  
SMALL,  
STONE,  
SULAK,  
VAN ZANDT,  
WESTERFELD,  
WOODRUFF,  
WOODUL, Lt. Gov.

Read and unanimously adopted by a rising vote.